IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.431 OF 2006
IN
CRIMINAL APPEAL NO.401 OF 2006

Gurudatta Balasaheb Koli
Tanaji Mahadeo Raste ...Applicants

vs.

The State of Maharashtra ...Respondent

Mr.K.S.Patil i/b Mr.Tejpal Ingale for the Applicants
Mr.A.S.Shitole, A.P.P. for State

CORAM: A.S.OKA,J.
DATE : OCTOBER 18,2006.

P.C.:

1. The Applicants are the accused Nos.1 and 2 who have been convicted for offence punishable under section 394 of the Indian Penal Code. The substantive sentence is R.I. for seven years. The Applicants have been directed to pay fine of Rs.5000/- each and in default to suffer S.I. for six months each.

2. According to the case of the prosecution, one Madalal Ratanchand Oswal was robbed by the three accused persons including the Applicants. At that time, the said Madanlal was carrying gold ornaments prepared for M/s. Pawan Jewellers, Dutta Jewellers and M/s.M.P.Saraf. According to the case of the first informant, the bag containing ornaments and his wallet was robbed by throwing chilly powder on his face.

3. According to the case of the prosecution, there was recovery of the ornaments at the instance of the accused No.4 Santosh Dahale and his brother. The said accused No.4 has

been acquitted. Moreover, Panch Witness has turned hostile. Apart from this fact, admittedly, the first informant did not produce the alleged ornaments in the court. He stated that he has not given either the ornaments or money to the jewellers for whom he had prepared the ornaments. The said Madanlal admitted in the cross examination that he has not produced any document to show that he has taken orders from the concerned jewellers for supply of gold ornaments. He could not produce the documents as regards the said ornaments.

4. No identification parade has been held. The Applicants were on bail throughout the trial and no allegation has been made as regards misuse of the liberty granted to them. Hence, I pass the following order :

i) The Applicants shall be enlarged on the same bail on which they were enlarged on the bail during the pendency of trial subject to filing fresh bail bonds.

ii) Bail is granted subject to the condition that the Applicants will report to Yawat Police Station, Taluka Daund, District Pune once in every calender month till the final disposal of the Appeal.

iii) The order granting bail will be given effect to only after it is verified that both the Applicants have deposited the fine amount.

JUDGE